

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53268 of 2024

Arising Out of PS. Case No.-43 Year-2024 Thana- MADHEPUR District- Madhubani

Saroj Singh @ Saroj Kumar Singh S/o Late Uday Singh R/o vill - Bhith
Bhagwanpur, P.S. - Madhepur, Distt. -Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha

For the Opposite Party/s : Ms. Anita Kumari

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 26-09-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 341, 323, 324, 307, 379, 504, 506 and 34 of the Indian
Penal Code.

3. The learned counsel for the petitioner submits that
the case was taken up on 28.08.2024, when case diary was
called for but the same till date has not received. The Court will
not wait endlessly for the case diary and proceeds to decide the
case on merits based on the allegation as alleged in the FIR.

4. The learned counsel submits that petitioner has
antecedent of one case and the informant alleges that he had
come home on bail, when accused persons came and asked him



to support them in their criminal activities, on which the informant refused, it is next alleged that on 12.04.2022 at 11:30 p.m., the accused persons including the petitioner along with 08-10 unknown accused persons came, variously armed and the petitioner assaulted the informant by knife, causing injury on right hand and lips and Raju tried to strangle him by towel, thereafter the informant was taken to the hospital from where he was referred to DMCH for better treatment.

5. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the instant case by the informant. It is next submitted that informant is a person with criminal antecedent and five cases are pending against him as detailed in paragraph no. 10 of the anticipatory bail application. It is also submitted that from side of the petitioner, Madhepur P.S. Case No. 45 of 2024 had been instituted against the informant and his side. It is also submitted that since petitioner was opposing the criminal activities of the informant, as such, he came to be implicated in the instant case with false allegation of assault. It is also submitted that from perusal of the order impugned, it would manifest that the same also does not record about the nature of injury suffered by the informant, which amply demonstrates that informant was not injured.



6. The learned APP for the State, Mr. Chandra Bhushan Prasad opposes the anticipatory bail application and submits that there is specific allegation against this petitioner of assaulting the informant by knife, causing injury on hand and lips and on account of assault, he was referred to DMCH for better treatment, which amply demonstrates that the informant was seriously injured. It is also submitted that since the assault was by knife, as such, the nature of injury would not matter, but then fairly submits that the order impugned does not record that injury was perused while dismissing the anticipatory bail application of the petitioner.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 25,000 /- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Sri Rohan Ranjan, Judicial Magistrate 1st Class, Jhanjharpur, District- Madhubani in connection with Madhepur P.S. Case No. 43 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

8. One of the bailor of the petitioner shall be his



cousin, Bibhuti Kumar Singh.

9. However, it is made clear that the learned trial court before accepting the bail bonds of the petitioner shall verify the injury report of the injured and in the event, if it is found that the informant suffered injury by knife, in that event, the present anticipatory bail order shall not be given effect to.

10. The application stands allowed.

(Satyavrat Verma, J)

Sudhanshu/-

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